

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WHEELER ZAMICIELI : CIVIL ACTION  
Plaintiff, :  
VS. : CASE NO. 12-3200  
: DELAWARE DESIGNATION  
CITY OF PHILADELPHIA, ET AL. : FOR SERVICE, JUDGE  
Defendants, : GREGORY M. SLEET  
: :

PLAINTIFF'S MOTION TO COMPEL SECOND REQUEST  
INTERROGATORIES AND PRODUCTION OF DOCUMENTS  
DIRECTED TO DEFENDANT CITY OF PHILADELPHIA

Plaintiff, Wheeler Zamichieli, comes on this 1st day of November, 2015, respectfully asking this Honorable Court for an order pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, compelling Defendant City of Philadelphia, to answer fully interrogatories 1-25 pursuant to Fed.R.Civ.P.33, and produce documents 1-27 pursuant to Fed.R.Civ.P.34. In support thereof, Plaintiff avers the following:

I. BACKGROUND

On February 25, 2014, Plaintiff filed his Second Request For Production Of Documents And Interrogatories Directed To Defendant City of Philadelphia.

On June 18, 2014, approximately 3½ months from Plaintiff's filing, Defendant City of Philadelphia filed Answers and Objections to Plaintiff's Second Request for Production of Documents and Interrogatories, refusing to produce documents, answer interrogatories, or respond..

II. ARGUMENT

Pursuant to the Federal Rule of Civil Procedure Rule 37, "if a party fails to make disclosure required by Rule 26(a), any other party may move for order to compel disclosure and for appropriate sanctions." See Fed.R.Civ.P.37(a)(3)(A).

Additionally, "a party may move for an order compelling an answer, designation, production, or inspection of an interrogatory or documents," pursuant to Fed.R.Civ.P. 37(a)(3)(B)(iii), and (iv).

Moreover, "an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." See Fed.R.Civ.P.37(a)(4)(a).

Plaintiff argues that, the City of Philadelphia refuses to respond to interrogatories Numbers 1-25, and production of documents 1-27 fully and complete.

Furthermore, the City of Philadelphia non-disclosure, response, or objections was not substantially justified, and so, the Plaintiff not only ask this Court to Compel, but also for an order pursuant to Rule 37(a)(4) requiring the aforesaid Defendant to pay Plaintiff the sum of \$500.00 as a reasonable expenses in obtaining this order.

III. CONCLUSION

Plaintiff argues that, "Good Cause" exist for the Court to grant this motion, as it is noted by Plaintiff, [this civil action has been pending before the Court for over 3½ years, and the Civil Defendants' haven't answered interrogatories, nor produce reasonable disclosure of documents for Plaintiff's inspection].

WHEREFORE, Plaintiff respectfully asked this Honorable Court to grant this motion.

DATE: NOVEMBER 1, 2015

RESPECTFULLY SUBMITTED,

  
WHEELER ZAMICHELI

(3)

CERTIFICATE OF SERVICE

I hereby certify that, a true and correct copy of the following: Plaintiff's Motion To Compel Second Request For Interrogatories And Production Of Documents Directed To Defendant City of Philadelphia; and Plaintiff's Motion To Order Municipal Defendants' To Comply With Its Obligation To Give Service To Plaintiff Under Civ.R.5, And That Service Be Made By U.S. Certified Mail To Ensure Receipt, has been served upon the person below, by U.S. Mail, and by U.S. Clerk Of Court via Electronic Case Filing System "ECF."

ASSISTANT CITY SOLICITOR  
BROCK ATKINS, ESQ.,  
CIVIL RIGHTS LAW DEPT.,  
1515 ARCH STREET  
14TH FLOOR  
PHILA, PA. 19102

DATE: NOVEMBER 1, 2015

RESPECTFULLY SUBMITTED,  
*wheeler zamicheli*  
WHEELER ZAMICHELI  
INST#67271-066  
FDC PHILADELPHIA  
P.O. BOX 562  
PHILA, PA. 19106

IN THE UNITED STATES DISTRICT COURT  
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WHEELER ZAMICIELI	:	CIVIL ACTION
Plaintiff,	:	
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	:	GREGORY M. SLEET, J.
CITY OF PHILADELPHIA, ET AL.	:	DELAWARE DESIGNATION
Defendants,	:	<u>FOR SERVICE</u>

ORDER

**RECEIVED**

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AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, upon  
consideration of Plaintiff's Motion To Compel Second Request For  
Interrogatories And Production Of Documents Directed To Defendant  
City of Philadelphia, it is HEREBY ORDERED that the motion is  
GRANTED.

BY THE COURT:

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GREGORY M. SLEET, J.

WHEELER ZAMECHELI  
INST#67271-066  
FEDERAL DETENTION CENTER  
P.O. BOX 562  
PHILA, PA. 19106

First Class Mail

UNITED STATES DISTRICT COURT  
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